

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

MARIA ALEJANDRA CELIMEN SAVINO,
et al.,

Petitioners-Plaintiffs,

v.

THOMAS HODGSON, et al.,

Respondents-Defendants.

Case No. 1:20-cv-10617-WGY

**DECLARATION OF MICHAEL J. WISHNIE IN SUPPORT OF
PETITIONER-PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Michael J. Wishnie, declare under penalty of perjury that the following is true and correct:

1. I am William O. Douglas Clinical Professor of Law and Counselor to the Dean at Yale Law School, where I teach and supervise clinical courses in the Jerome N. Frank Legal Services Organization (“LSO”).
2. LSO is a law firm that includes eight clinics, in which Yale Law students enroll for credit to represent individuals and organizations without charge, under the supervision of clinical faculty. I co-direct the Worker and Immigrant Rights Advocacy Clinic (“WIRAC”) in LSO, in which students represent clients in administrative, state, and federal courts in a range of immigration, employment, and other civil rights litigation. I also direct the Veterans Legal Services Clinic in LSO, in which students similarly represent veterans in administrative, state, and federal courts, including in complex litigation.

3. Attorneys and WIRAC law student interns have done considerable work identifying or investigating potential claims in this action.

4. My LSO students and I have been appointed class counsel in four pending, certified class actions in federal court. *See Reid v. Donelan*, 297 F.R.D. 185 (D. Mass. 2014) (appointing LSO and myself as counsel for certified class of long term immigration detainees in Massachusetts); *Reid v. Donelan*, 2018 WL 5269992 (D. Mass. Oct. 23, 2018) (denying defendants' motion to decertify class and expanding class to include immigration detainees in New Hampshire); *Kennedy v. Esper*, 2018 WL 6727353 (D. Conn. Dec. 21, 2018) (same, in order certifying nation-wide class of post-September 11 Army veterans with PTSD or traumatic brain injury and less-than-fully-Honorable discharges); *Manker v. Spencer*, 329 F.R.D. 110 (D. Conn. 2018) (same, in order certifying nation-wide class of post-September 11 Navy and Marine Corps veterans with PTSD or traumatic brain injury and less-than-fully-Honorable discharges); *Skaar v. Wilkie*, 32 Vet. App. 156 (2019) (*en banc*) (same, in order certifying first veterans' appeals class in history of court, a class of Air Force veterans exposed to radiation during 1966 nuclear clean-up in Palomares, Spain).

5. I have experience supervising law students in complex federal litigation not involving certified classes. *See, e.g., NAACP v. Merrill*, 939 F.3d 470 (2d Cir. 2019) (affirming in part district court denial of motion to dismiss first state-wide challenge to prison gerrymandering); *NAACP v. Bureau of the Census*, 945 F.3d 183 (4th Cir. 2019) (affirming in part and reversing in part district court dismissal of challenge to 2020 census operations and remanding constitutional claim); *Monk v. Shulkin*, 855 F.3d 1312, 1322 (Fed. Cir. 2017) (overturning nearly thirty years of precedent to hold that U.S. Court of Appeals for Veterans Claims "has the authority to establish a class action mechanism or other method of aggregating

claims.”); *Batalla Vidal v. Nielsen*, 279 F.Supp.3d 401, 438 (E.D.N.Y. 2018) (enjoining termination of DACA program, concluding court possesses authority to enter nation-wide preliminary injunction, and denying motion for class certification as moot), *certiorari before judgement granted sub nom McAleenan v. Trump*, 139 S. Ct. 2773 (2019); *Darweesh v. Trump*, 2017 WL 388504 (E.D.N.Y. Jan. 28, 2017) (entering TRO on behalf of all persons detained at U.S. airports pursuant to Executive Order implementing first travel ban against refugees and nationals of Muslim-majority nations, after finding likelihood of success on pending motion for certification of nation-wide class); *Doe v. Hagenbeck*, 98 F.Supp.3d 672 (S.D.N.Y. 2015), *rev'd in part*, 870 F.3d 36 (2d Cir. 2017), *notice of appeal pending* (civil rights action by woman raped while a cadet at U.S. Military Academy at West Point).

6. My students and I have already devoted significant resources to maintaining this litigation, as evidenced by the staffing of this case with experienced attorneys supervising the work of multiple law student interns, and will continue to do so.

I, Michael J. Wishnie, declare under penalty of perjury, under 28 U.S.C. § 1746, and the laws of the United States of America, that the foregoing Declaration is true and correct

Dated: March 27, 2020
New Haven, Connecticut

/s/ Michael J. Wishnie
Michael J. Wishnie (BBO #568654)

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2020, the above-captioned document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

/s/ Oren M. Sellstrom